



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) 2:14-CR-053-GMN-(CWH)  
 )  
DAVID A. HORN, )  
 )  
Defendant. )

**FINAL ORDER OF FORFEITURE**

On October 15, 2014, the United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section 924(d)(1), (2)(C), (3)(B), and (3)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c); Title 21, United States Code, Section 853(a)(1), (a)(2), and (p); and Title 21, United States Code, Section 881(a)(11) and Title 28, United States Code, Section 2461(c) based upon the plea of guilty by defendant DAVID A. HORN to the criminal offenses, forfeiting the property set forth in the Plea Agreement and the Forfeiture Allegations of the Indictment and shown by the United States to have the requisite nexus to the offenses to which defendant DAVID A. HORN pled guilty. Indictment, ECF No. 11; Change of Plea, ECF No. 67; Preliminary Order of Forfeiture, ECF No. 68; Plea Agreement, ECF No. 69.

This Court finds the United States of America published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), consecutively

1 from October 17, 2014, through November 15, 2014, notifying all potential third parties; and notified  
2 known third parties by personal service or by regular mail and certified mail return receipt requested,  
3 of their right to petition the Court. Notice of Filing Proof of Publication, ECF No. 76.

4 On October 16, 2014, the United States Attorney's Office attempted service on Jared Beard at  
5 P.O. Box 661, Jean Nevada with copies of the Preliminary Order of Forfeiture and the Notice through  
6 regular and certified mail, return receipt requested but was unsuccessful. The postal service stated that  
7 the mailings were "attempted – not known" and that they were "unable to forward" them. Notice of  
8 Filing Service of Process – Mailing, ECF No. 86, 4-19, 26-29.

9 On October 17, 2014, and October 21, 2014, the United States Marshals Service attempted to  
10 personally serve Jared Beard at 9416 Blacktail Form Street, Las Vegas, Nevada with copies of the  
11 Preliminary Order of Forfeiture and the Notice but was unsuccessful. Notice of Filing Service of  
12 Process – Personal Service, ECF No. 85, p. 2-18.

13 On October 17, 2014, the United States Marshals Service attempted to personally serve Terry  
14 Mitchell at 750 Theatre Court, Las Vegas, Nevada with copies of the Preliminary Order of Forfeiture  
15 and the Notice but was unsuccessful. Notice of Filing Service of Process – Personal Service, ECF No.  
16 85, p. 19-35.

17 On November 13, 2014, and November 20, 2014, the United States Marshals Service  
18 attempted to personally serve Terry Mitchell at 7252 Platinum Peak Avenue, Las Vegas, Nevada with  
19 copies of the Preliminary Order of Forfeiture and the Notice but was unsuccessful. Notice of Filing  
20 Service of Process – Personal Service, ECF No. 85, p. 36-52.

21 On December 22, 2014, FBI Special Agent Justin I. Nwadiashi declared that despite multiple  
22 data base checks he was unable to locate Jared Beard or Terry Mitchell. Notice of Filing Service of  
23 Process – Personal Service, ECF No. 85, p. 53-54.

24 On October 16, 2014, the United States Attorney's Office served Frederick Killion with  
25 copies of the Preliminary Order of Forfeiture and the Notice through regular and certified mail, return  
26 receipt requested. Notice of Filing Service of Process – Mailing, ECF No. 86, p. 2-22.

1 On October 16, 2014, the United States Attorney's Office served Hoa Vanle with copies of  
2 the Preliminary Order of Forfeiture and the Notice through regular and certified mail, return receipt  
3 requested. Notice of Filing Service of Process – Mailing, ECF No. 86, p. 2-19, 23-25.

4 This Court finds no petition was filed herein by or on behalf of any person or entity and the  
5 time for filing such petitions and claims has expired.

6 This Court finds no petitions are pending with regard to the assets named herein and the time  
7 for presenting such petitions has expired.

8 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,  
9 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the  
10 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.  
11 32.2(c)(2); Title 18, United States Code, Section 924(d)(1), (2)(C), (3)(B), and (3)(C) and Title 28,  
12 United States Code, Section 2461(c); Title 21, United States Code, Section 881(a)(11) and Title 28,  
13 United States Code, Section 2461(c); and Title 21, United States Code, Section 853(a)(1), (a)(2),  
14 (n)(7), and (p) and shall be disposed of according to law:

- 15 1. one (1) Taurus .38 caliber revolver bearing manufacturer's serial number LC40499;
- 16 2. one (1) Taurus model PT 740 .40 caliber semi-automatic handgun bearing  
17 manufacturer's serial number SDT94901;
- 18 3. one (1) Kel-Tec model PF-9 9 millimeter semi-automatic handgun bearing  
19 manufacturer's serial number S3Y89;
- 20 4. one (1) Smith & Wesson model SD40VE .40 caliber semi-automatic handgun  
21 bearing manufacturer's serial number HED2760;
- 22 5. any and all ammunition;
- 23 6. \$290.00 in United States Currency;
- 24 7. \$2,810.00 in United States Currency; and
- 25 8. an *in personam* criminal forfeiture money judgment of \$14,570 in United States  
26 Currency.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,  
2 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any  
3 income derived as a result of the United States of America's management of any property forfeited  
4 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

5 The Clerk is hereby directed to send copies of this Order to all counsel of record and three  
6 certified copies to the United States Attorney's Office.

7 DATED this 12 day of February, 2015.

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UNITED STATES DISTRICT JUDGE